

**Order entered October 25, 2021**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-21-00242-CV**

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**IN THE INTEREST OF M.C.M. AND M.A.M., CHILDREN**

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**No. 05-21-00360-CV**

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**MOLLY WILKERSON, Appellant**

**V.**

**MARK MALDONADO, Appellee**

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**No. 05-21-00373-CV**

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**IN THE INTEREST OF M.C.M. AND M.A.M., CHILDREN**

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**On Appeal from the 366th Judicial District Court  
Collin County, Texas  
Trial Court Cause Nos. 366-53554-2020, 366-51795-2021, and 366-50778-2021**

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**ORDER**

These appeals and each of the clerk's records in the appeals were filed without payment of costs based on appellant's statements that she was unable to afford payment. *See* TEX. R. CIV. P. 145; TEX. R. APP. P. 20.1. The court reporter, however, challenged appellant's statements, and on October 18, 2021, we affirmed the trial court's order sustaining the contest and ordered appellant to file written

verification she had paid, or made arrangements to pay, the fee for preparing the reporter's record in the appeals.

Prior to our October 18th order and opinion, appellant filed a motion requesting, in part, that we accelerate the appeals and allow the appeal to proceed on previously-purchased transcripts. Although she did not identify the previously-purchased transcripts in the October 11th motion, on October 20, 2021, she filed a response to the order and opinion listing the following proceedings as having been previously transcribed:

- in trial court cause number 366-53554-2020 and appellate cause number 05-21-0242-CV

- (1) the trial court's January 26, 2021 ruling to dismiss case;
- (2) an excerpt of the January 27, 2021 testimony of witness Nicole May; and,
- (3) the trial court's January 27, 2021 ruling on child custody;

- in trial court cause number 366-51795-2021 and appellate cause number 05-21-00360-CV

- (1) the trial court's April 20, 2021 vexatious litigant designation ruling;

and

- in trial court cause number 366-50778-2021 and appellate cause number 05-21-00373-CV

- (1) the February 24, 2021 original protective order hearing;
- (2) the trial court's March 3, 2021 ruling from second protective order hearing;
- (3) an excerpt of the March 3, 2021 testimony of Tony Mallers concerning attorney's fees; and,
- (4) the May 3, 2021 testimony of appellee from final protective order hearing.

Appellee has not filed a response to the October 11th motion or otherwise communicated regarding appellant's requests.

We construe appellant's motion and response as a motion to proceed on a partial reporter's record under Texas Rule of Appellate Procedure 34.6(c), *see* TEX. R. APP. P. 34.6(c), and **GRANT** the motion. We **ORDER** appellant to file, no later than November 5, 2021, a statement of the points or issues to be presented on appeal. *See id.* 34.6(c)(1). We further **ORDER** Antoinette Varela, Official Court Reporter for the 366th Judicial District Court, to file the reporter's records of the above-listed proceedings no later than November 8, 2021. Appellant's opening brief in each appeal shall be filed within thirty days of the filing of the reporter's records.

We caution appellant that any additions requested by another party will be at appellant's expense and that the Court will presume the partial reporter's record constitutes the entire record for purposes of reviewing the stated points or issues. *See id.* 34.6(c)(3),(4).

To the extent appellant seeks any other relief, we **DENY** the motion.

We **DIRECT** the Clerk of the Court to send a copy of this order Ms. Varela and the parties.

/s/     ROBERT D. BURNS, III  
CHIEF JUSTICE